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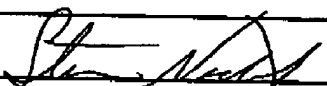
PTO/SB/21 (09-04)


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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/616,668	
	Filing Date	July 9, 2003	
	First Named Inventor	Bruce G. Johnson	
	Art Unit	2853	
	Examiner Name	TRAN, Ly T.	
Total Number of Pages in This Submission	9	Attorney Docket Number	10012473-3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Certificate of Transmission (1 page) 3. Pre-Appeal Brief Request for Review (5 pages)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name			
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Printed name	Steven L. Nichols		
Date	February 13, 2006	Reg. No.	40,326

CERTIFICATE OF TRANSMISSION/MAILING		
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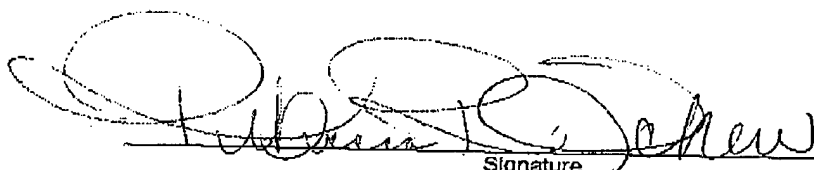
Application No.: 10/616,668

Attorney Docket No.: 10012473-3

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**Transmitted, herewith, are the following documents:**

1. Transmittal Form (1 page)
2. Certificate of Transmission (1 page)
3. Pre-Appeal Brief Request For Review Coversheet and Remarks (5 pages)
4. Notice of Appeal with Duplicate Copy (2 pages)

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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

10012473-3

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on February 13, 2006

Signature

Typed or printed  
name

Rebecca R. Schow

Application Number

10/616,668

Filed

July 9, 2003

First Named Inventor

Bruce G. Johnson

Art Unit

2853

Examiner

TRAN, Ly T.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).  
Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/06)☐

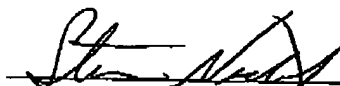
attorney or agent of record.

Registration number

☒

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 40,326



Signature

Steven L. Nichols

Typed or printed name

(801) 572-8066

Telephone number

February 13, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

☐

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REMARKS

Claims 33 and 37-41 and 43-58 are currently pending for further action. In the recent Office Action, the Examiner has allowed claims 53-58.

Claims 33, 38-41 and 51 were rejected under 35 U.S.C. § 102(b) as anticipated by EP 530627 to Takei ("Takei"). While not explicitly stated, Applicant notes that the same rejection is also applied to claims 43-46, 49 and 52. This rejection is respectfully traversed for at least the following reasons.

Independent claim 44 recites:

An inkjet printing system comprising:  
ink comprising a carrier fluid and having an electrical charge;  
an inkjet print head using said ink for printing images on a transfer member  
that is adjacent to said print head and moveable with respect to said print head; and  
said transfer member disposed to transfer said images to a print medium;  
wherein said electrical charge facilitates transfer of said images to the print  
medium.  
(emphasis added).

In contrast, Takei does not teach or suggest the claimed inkjet printing system in which an electrical charge in the ink facilitates transfer of an ink image from a transfer member to a print medium. To the contrary, Takei only teaches an electrical charge that causes the image to adhere *more strongly* to the transfer member rather than facilitating the transfer to the print medium.

In this regard, the final Office Action alleges that Takei teaches an electrical charge that causes the ink transfer onto the recording medium at col. 10, lines 1-10. (Action of 11/15/05, p. 6). This is exactly the opposite of what Takei actually says. The cited portion of Takei reads:

This embodiment has an advantage in that solvent can be transferred effectively without disturbance of the recording image because the solvent recovery belt 64 contacts the transfer drum 51 with a very low line pressure. Of course, the

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coloring particles will remain on the transfer drum 51 due to the electric field between transfer drum 51 and electrode 69.  
(Takei, col. 10, lines 3-9).

Thus, according to Takei, "the coloring particles will remain on the transfer drum 51 due to the electric field between transfer drum 51 and electrode 69." (Takei, col. 10, lines 7-9) (emphasis added).

Takei does not ever teach or suggest an electrical charge that "*facilitates* transfer of said images to the print medium" as recited in claim 44. (emphasis added).

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claim 44 and its dependent claims based on Takei should be reconsidered and withdrawn.

Independent claim 33 recites:

A method of printing with an inkjet printing system, said method comprising:  
providing a supply of liquid ink comprising a carrier fluid;  
using said ink, printing an image with an inkjet print head on a transfer belt that is adjacent to said print head and moveable with respect to said print head;  
absorbing carrier fluid from ink of said image with said transfer belt;  
heating said transfer belt to facilitate removal of said carrier fluid from said image on said transfer belt; and  
transferring said printed image from said transfer belt to a sheet of print medium.

In contrast, Takei fails to teach or suggest heating a transfer belt that absorbs carrier fluid to facilitate removal of the carrier fluid from an image on the transfer belt. In Takei's Fig. 2 and the corresponding text, a belt (11) is taught that includes a "water absorbing layer." (Takei, col. 4, lines 55-58). However, Takei does not ever teach or suggest heating the belt (11) as recited in claim 33.

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In this regard, the final Office Action refers to Takei at Figs. 3 and 4. (Action of 1115/05, p. 6). In Figs. 3 and 4 and the related text, Takei teaches a heating element (27) for heating a transfer *drum* (21). Takei does not, however, teach or suggest "heating [a] transfer *belt*" as claimed. (emphasis added). There is no teaching or suggestion in Takei that a transfer belt can or should be heated.

Takei only teaches heating a transfer drum for the purpose of filling a solvent "recovering tank" (26). (See, Takei, col. 5, lines 35-43 and col. 6, lines 8-19). Such a "recovering tank" is not used or taught in connection with the belt (11) of Takei's Fig. 2. Thus, Takei does not teach or suggest any reason for heating a transfer belt, as opposed to a transfer drum. Moreover, the final Office Action fails to indicate how or where Takei teaches or suggests heating a transfer belt, as opposed to a transfer drum used with a solvent recovering tank. To the contrary, one of skill in the art would likely conclude that Takei teaches away from the claimed heating of a transfer belt because Takei only teaches heating a transfer drum.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claim 33 and its dependent claims based on Takei should be reconsidered and withdrawn.

Additionally, the various dependent claims in this application recite subject matter that is neither taught nor suggested by Takei. For example, claim 43 depends from claim 33 and recites "providing said supply of liquid ink comprising a carrier fluid with an electrical charge, wherein said electrical charge facilitates transfer of said images to the print medium."

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As demonstrated above with respect to claim 44, Takei fails to teach or suggest such subject matter. For at least this additional reason, the rejection of claim 43 should be reconsidered and withdrawn.

Claims 37, 47, 48 and 50 were rejected as unpatentable under 35 U.S.C. § 103(a) over the teachings of Takei taken alone. This rejection is respectfully traversed for at least the same reasons given above with respect to independent claims 33 and 44.